IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

FRIDAY, THE 8TH DECEMBER 2006 / 17TH AGRAHAYANA 1928

WP(C).No. 32269 of 2006(N)

PETITIONER:

JANARDHANAN, MATHIYATHU HOUSE,
ELAMKADU P.O., KOOTTICKAL.

BY ADV. SRI.V.K.SUNIL

RESPONDENT:

THANKAPPAN, S/O.KOCHERUKKAN,
URUMBIKUNNEL, ELAMKADU, KOOTTICKAL,
KANJIRAPPALLY.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C)NO.32269 OF 2006

DATED THIS THE 8th DAY OF DECEMBER, 2006

JUDGMENT

Petitioner is the defendant and respondent plaintiff in O.S.127/04 on the file of Munsiff Court, Erattupetta. Petitioner is challenging Exts.P4 and P5 orders passed by Munsiff and Sub Judge. Under Ext.P4 order, learned Munsiff directed petitioner to issue a marriage patrika in respect of the daughter of respondent. Petitioner challenged that order in C.M.,A.16/04. Under Ext.P5 order, appellate Court re-analysed the materials and confirmed the order and dismissed the appeal. It is challenged in this petition filed under Article 227 of Constitution of India.

2. Learned Counsel appearing for petitioner was heard.

3. Arguments of learned Counsel appearing for petitioner was that under Exts.P4 and P5 orders, Courts below virtually decided the suit and suit is now posted for arguments and in such circumstances, Court may be directed to dispose of the suit untrammeled by any observation contained in Exts.P4 and P5 orders. Exts.P4 and P5 orders are interlocutory orders. Learned Munsiff has to dispose the suit untrammeled by any observation contained in Exts.P4 and P5 orders

and only on the evidence adduced in the suit.

Petition dismissed.

M.SASIDHARAN NAMBIAR,JUDGE

Acd